

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Attorney Docket No. 0534Q-200060

GOULDS PUMPS, INCORPORATED )

Opposer, )

v. )

QED ENVIRONMENTAL SYSTEMS, INC. )

Applicant. )

Opposition No. 114,439  
Application S/N 75/275,781  
Mark: TOUGH PUMPS

03-03-2003

U.S. Patent & TMOfr/TM Mail Ropt. Dt. #40

MOTION ON CONSENT TO SET ASIDE NOTICE OF DEFAULT

Applicant, QED Environmental Systems, Inc., by its attorneys, and **with the consent of Opposer**, Goulds Pumps, Incorporated, respectfully requests the Trademark Trial and Appeal Board to set aside the Notice of Default, stating as follows:

- (1) On January 30, 2003 the Board issued a Notice of Default.
- (2) The parties are currently and have been engaged in settlement negotiations and recent communications between counsel indicate that new commercial developments have occurred which would appear to provide a basis for the settlement of this matter. Counsel intend to address these commercial developments by phone the week of March 3, 2003.
- (3) On January 10, 2003, Opposer filed a Motion for a Three Month Extension of Time Periods, with consent.

(4) The delay in responding to the Notice of Opposition is not the result of willful conduct or gross neglect on the part of Applicant.

(5) Counsel for Opposer consented to this Motion via telephone on February 28, 2003.

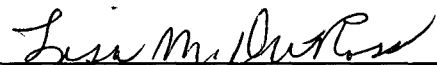
(6) Consequently, Opposer will not substantially be prejudiced by the delay; and

(7) Applicant has meritorious defenses to the Opposition Action.

**WHEREFORE**, as Applicant has shown good cause why default judgment should not be entered against it, Applicant respectfully requests the Board to set aside the Notice of Default and extend the deadline for responding to the Notice of Opposition.

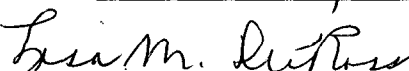
Respectfully Submitted,

Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303  
(248) 641-1600

  
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Lisa M. DuRoss  
Michigan Bar No. P36459

EXPRESS MAIL CERTIFICATION

I hereby certify that this paper is being deposited (in triplicate) with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date shown below in an envelope addressed to Box TTAB NO FEE; Assistant Commissioner for Trademarks, U.S. Trademark Office, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on March 3, 2003.

  
\_\_\_\_\_  
Lisa M. DuRoss

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REQUEST FOR EXTENSION OF TIME TO FILE ANSWER was deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mr. Burton S. Ehrlich, Brezina & Ehrlich, Dearborn Station Tower, 47 West Polk Street, Suite 333, Chicago, Illinois 60605-2092 on March 3, 2003

  
Lisa M. DuRoss

TTAB

**HARNES, DICKEY & PIERCE, P.L.C.**  
ATTORNEYS AND COUNSELORS  
P.O. BOX 828  
BLOOMFIELD HILLS, MICHIGAN 48303  
U.S.A.

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TROY, MICHIGAN 48098  
(248) 641-1600

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March 3, 2003

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Sir:

**EXPRESS MAILING CERTIFICATE**

Applicant: QED Environmental Systems, Inc.  
Opposer: Gould Pumps, Incorporated  
Opposition No.: 114,439  
Application No.: 75/275,781  
Mark: **TOUGH PUMPS**  
Docket: 0534Q-200060  
Attorney: Lisa M. DuRoss

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Date of Deposit..... March 3, 2003

I hereby certify and verify that the accompanying **Motion on Consent to set Aside Notice of Default (in triplicate), postcard and this Express Mail Certificate** are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is (are) addressed to the BOX TTAB NO FEE, Assistant Commissioner For Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

  
Signature of Person Mailing Document(s)